

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
NOV 19 2002

Claudette

OFFICE OF
MANAGING DIRECTOR

Larry G. Link
Chief Financial Officer
Harlan Municipal Utilities
405 Chatbun Avenue
Post Office Box 71
Harlan, Iowa 51537-0071

Re: Harlan Municipal Utilities
Fiscal Year 2001 Refulatory Fee
Fee Control No. 0000ORROG-02-075
Bill No. 2002-9-9182

Dear Mr. Link:

This is in response to your request dated May 8, 2002 for a waiver of the \$156.75 late charge penalty for late payment of the fiscal year (FY) 2001 regulatory fee. Our records reflect that you have not paid the late charge penalty.

In support of your request, **you assert** that Harlan Municipal Utilities mailed the FY 2001 regulatory fee on September 18, 2001 via first class mail which, under normal circumstances, would have allowed sufficient time for it to be received by the Commission in a timely manner on September 26, 2001. You also note in your letter that you sent the check to the wrong post office box.

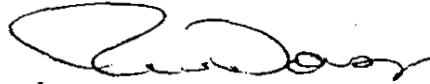
Our records reflect that Harlan Municipal Utilities' check in payment of the FY 2001 regulatory fee is dated September 11, 2001, and the FCC Form 159 (Remittance Advice) accompanying the check is dated September 5, 2001. While the fact that you sent the fees to the wrong post office box may have contributed to the delay, we find that the untimely receipt of the fee was, at least in part, the result of the clearly unforeseeable events of September 11, 2001 (including the ensuing interruption of mail and air courier service) that even the best of planning could not have avoided. Indeed, in recognition of the disruption and cancellation of mail and air courier service throughout the United States following the events of September 11, 2001, the Commission took the unusual step of extending the FY 2001 regulatory fee filing window from September 21, 2001 to September 26, 2001. *Public Notice, Extension of Fiscal Year 2001 Regulatory Fee Filing Window*, 2001 WL 1078406 (dated September 17, 2001). We therefore find good cause to grant your request that you not be charged the \$156.75 late charge penalty for the fiscal year 2001 regulatory fee. Bill No. 2002-9-9182 will therefore be cancelled.

Larry G. Link, ~~Chief~~ Financial Officer

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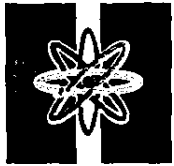
If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger".

 Mark A. Reger
~~Chief~~ Financial Officer

00000 RROG-02-075



HARLAN MUNICIPAL UTILITIES

Telecommunications

Electric

Water

Gas

May 8, 2002

Federal Communications Commission

445 12th St Southwest

1A821

Office of Managing *Director*

Revenue & Receivables Operations Group

Washington, D.C. 20554

RECEIVED
FCC

2002 MAY 24 A 8:01

ACCOUNT PROCESSING
CUMULATIVE/RT/TMT

405 Chatburn Avenue
P.O. Box 71
Harlan, Iowa 51537-0071

Phone: 712/755-5182

Fax: 712/755-2320

e-mail:

HMU@HarlanNet.com

Re: Bill # 2002-9-9182

Dear Ms. Pride,

Based on my conversation with one of your employees today and the voice mail I left on your answering system, I am protesting the penalty of \$156.75 being assessed us for what you refer to as "late payment" For annual 2001 Regulatory Fees.

Every two weeks we have a board meeting. We prepare an abstract of payments, which is a list of checks prepared for mailing for bills from suppliers, for the board to review and approve at each board meeting. The payment in question was submitted to the board on 9/17/01 and approved for payment at that board meeting. We mail the checks the following day which in this case was Friday, 9/18/01. We mail all our payments regular 1st class mail so we cannot prove that the check was mailed on that day, however, we know that it was as well as several other checks. They were put in the mail before 5pm on 9/18. Why the FCC did not receive the mailing until 10/4, per your letter, I do not know, however, we do not feel we should be penalized for something we have no control over.

Therefore, I am asking for your review of this matter and would hope you would resend the penalty of \$156.75. We are a small utility in a community of 5200 people. This is a cost that we do not feel is justified.

I await your reply.

Sincerely,

Larry G. Link
Chief Financial Officer

ps: After I wrote the above I went to our bank statement and pulled the copy of the check and have attached it to this letter (front & back). I notice that the address we sent the check is PO Box 358205, Pittsburgh, PA 15251-5205, which, after going back and pulling your instructions for the mailing of the regulatory fees, is different (the address is not on the form we send in but only on the instruction sheet). Therefore, we sent it to the wrong address. We are now changing our accounts payable files to the address you show on your late payment notice. We still ask you to reconsider the penalty!

RECEIVED SEP 5 2002